

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:17-CV-7-D

TERRY LEE SHINABERRY,)	
)	
Plaintiff,)	
)	
v.)	
)	
TOWN OF MURFREESBORO, N.C.,)	
BOBBIE J. BARMER, HERTFORD)	
COUNTY, N.C., MICHAEL P. HINTON,)	
REVELLE & LEE, LLP, GUILFORD)	
COUNTY, N.C., HUMANE SOCIETY)	
OF THE UNITED STATES, JOANN)	
JONES, and HERTFORD COUNTY)	
SHERIFF'S OFFICE,)	
)	
Defendants.)	


ORDER

On May 18, 2017, defendant Town of Murfreesboro, North Carolina ("Town") moved to dismiss with prejudice Terry Lee Shinaberry's ("Shinaberry" or "plaintiff") complaint for failure to state a claim upon which relief can be granted [D.E. 40] and filed a memorandum in support [D.E. 41]. See Fed. R. Civ. P. 12(b)(6). On May 22, 2017, defendants Hertford County, Hertford County Sheriff's Office, Michael P. Hinton, Joann Jones, and Revelle & Lee, LLP, answered the complaint [D.E. 42]. On May 24, 2017, defendant Humane Society of the United States moved to dismiss Shinaberry's complaint for failure to state a claim upon which relief can be granted [D.E. 43] and filed a memorandum in support [D.E. 44]. See Fed. R. Civ. P. 12(b)(6). On June 30, 2017, Shinaberry moved to file an amended complaint [D.E. 49]. On July 20, 2017, defendant Humane Society of the United States responded in opposition to the motion to amend [D.E. 50].

The court GRANTS plaintiff's motion to amend [D.E. 49]. Plaintiff shall file his first

amended complaint by October 17, 2017. Defendants may plead in response to the first amended complaint in accordance with the Federal Rules of Civil Procedure, including filing a motion to dismiss under Rule 12(b)(6). See Fed. R. Civ. P. 15(a)(3). The motions to dismiss [D.E. 40, 43] are DISMISSED as moot.

SO ORDERED. This 11 day of October 2017.



JAMES C. DEVER III
Chief United States District Judge